

## WHO ARE WE AND WHAT DO WE DO?

OPRA is responsible for core regulatory environmental programs designed to protect air, land and public health in Region 8. In addition to its regulatory responsibilities, OPRA places a strong emphasis on partnerships with states, tribes, local governments, industry, non-profits and other federal agencies to advance protection of public health and environment using voluntary and regulatory approaches. We accomplish our work through direct implementation, state/tribal oversight and financial and technical assistance to states and tribes.

## IMMEDIATE OFFICE

The immediate office is comprised of the ARA, DARA, Administrative Assistant and Program Analyst. Maryann Rule will fulfill the PA duties for both OPRA and OWP. The DARA will continue to check in with Maryann, the OWP DARA, and the OPRA management team to determine if an additional PA will be needed. Debra Lucas provides back up to Maryann on funding. OPRA does not have another admin FTE to back up Debra; Debra will work with the Deputy ARA on a backup plan for clerical support. This may include training for newer clerical SEEs.

## WHAT WORK GETS US NOTICED

- The OPRA ARA and DARA have participated in skip-level meetings with units over the past two years. These meetings have proven beneficial to hear from staff what they are working on, issues they are dealing with, questions they may have, and for the ARA or DARA to share what's been happening at the senior level.
- Quarterly All Hands meetings
- Email updates on activities in the region and updates to personnel changes in OPRA.

## 30/60/90 DAYS

### 30 Days

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- **Ex. 5 - Deliberative Process**
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### 60 Days

- **Ex. 5 - Deliberative Process**

90 Days

Directions:

Each Program will give a short overview of their programs including a synopsis of the work done by the units. Suggesting including a section on what work garners internal/state/media/congressional attention. Then a bulleted list of the 30/60/90 activities starting 10/2/16

## AIR PROGRAM OVERVIEW

The Air Program consists of about 35 staff of engineers, scientists, and environmental protection specialists in 3 Clean Air Act (CAA) work units:

- Air Quality Planning (Monica Morales, Unit Chief),
- Air Permitting, Monitoring and Modeling (Vacant, Unit Chief; interviews and hiring are underway)
- Indoor Air, Toxics and Transportation (Scott Jackson, Unit Chief)

The Air Program coordinates, reviews and takes final action on State Implementation Plans (SIPs) aimed at maintaining or bringing areas back into compliance with National Ambient Air Quality Standards (NAAQS) and for meeting Regional Haze goals. We review and issue New Source Review (NSR) construction and title V operating permits in Indian country. We provide oversight and assistance to our states and tribes on air monitoring, permitting and modeling activities, regulation of air toxic emissions, and mobile source emissions reduction programs. We provide technical expertise on air quality analyses associated with NEPA projects that primarily focus on energy resource development in the intermountain west. We also administer diesel retrofit grants, air monitoring grants, as well as coordinate tribal air activities with the Tribal Assistance Program. In addition, we oversee the Region's climate change activities, and work directly on initiatives and regulatory activities related to climate change mitigation and adaptation. The Air Program is also wrapping up the two year cycle as Lead Region for the Office of Air and Radiation (OAR).

The Air Program receives \$60,000 of discretionary funding from OAR each fiscal year. In FY2016 90% of these funds went towards salaries, health insurance and associated fees for 2 SEEs in the program. The remaining 10% was spent on software, miscellaneous supplies and partial payment of the program's FY2017 Records Center bill.

## WHAT WORK GETS US NOTICED

State Permitting Oversight: All state proposed title V operating permits are sent to us for a CAA required 45-day review. We may provide comments on proposed permits. If concerns are significant, we can object to the proposed permit, which delays issuance of the permit until our concerns are resolved. We occasionally receive petitions from environmental groups to object to state title V permits for certain types of sources, such as coal fired power plants, to which we must respond.

We review draft Prevention of Significant Deterioration (PSD) (new major source construction) permits issued by states during CAA required 30-day public comment period. We do not usually review state minor source construction permits.

In addition to review of state proposed title V operating permits, we also conduct periodic evaluations of the states' overall title V programs. In FY2016, we evaluated North Dakota and Utah. Our evaluation reports are posted on the R8 website.

Permitting Direct Implementation: We issue Title V and PSD permits for major sources located in Indian country and have currently permitted approximately 44 mostly oil/gas related sources. In addition, much of the Air Program's current direct implementation permitting workload (> 6000 minor sources) is a result of the July 2011 Tribal NSR Rule which gave us authority to register existing minor sources and permit new and modified minor sources in Indian country, as well as major new and modified sources in areas of Indian country that are designated as not attaining the NAAQS. For example, we received more than 600 applications for synthetic minor NSR permits for oil/gas sources on the Fort Berthold Indian Reservation (FBIR) as a result of this rule. In

order to streamline the process, we developed a Federal Implementation Plan (FIP) for the FBIR to provide enforceable controls for VOCs for new and existing oil and natural gas production sources on the FBIR. The FIP has proven to be sufficient for the majority of oil/gas sources on the FBIR to limit emissions so that synthetic minor NSR permits have not been requested by sources to avoid PSD or Title V major source permitting requirements. Similarly, we have developed and hope to soon propose a FIP for existing oil and natural gas sources on the Indian country portions of the Uintah and Ouray Indian Reservation (U&O Reservation) in Utah, similar to the FBIR FIP in that it would not be a permitting rule, but would provide enforceable VOC controls to reduce emissions from existing sources. Permitting (PSD, Title V, Minor NSR, and nonattainment NSR) for oil and gas sources, refineries, power plants and tar sands or oil shale operations is expected to be a significant workload in coming years.

NEPA: We provide technical air quality assistance to the R8 NEPA Program, such as modeling and air quality impact analysis review, on various NEPA energy-related and transportation actions.

Air Toxics: We provide information on the NESHAPs regulations to states and the public, encourage states to adopt NESHAPs area sources and Maximum Achievable Control Technology (MACT) rules, and provide information on hazardous air pollutants (HAPs), in general. We also work with communities wanting information on air toxics.

Transportation: We provide funding for diesel retrofits through the Diesel Emission Reduction Act and oversee State Inspection and Maintenance programs for mobile sources, we assess the transportation conformity for SIPs, and provide information and outreach for many transportation sector voluntary programs aimed at reducing emissions.

SIP Actions (Some Under Consent Decree Deadlines): A significant element of our work for FY2015 and FY2016 was to ensure that we took action on 56 and 46 SIP submittals, respectively. These actions not only met our Key Performance Indicator/ACS commitments, but also met our FY2015 and FY2016 commitments to each state under their 4-Year SIP Management Plans and cleaned up 62 backlogged submittals. In addition, 14 of these SIPs were under consent decree deadlines for SIP proposed/final actions, which included Utah's Regional Haze plan.

Regional Haze (RH) Plans: We finalized our Federal Implementation Plan (FIP) action on Utah's Regional Haze Plan in June 2016. We support ORC and the Department of Justice (DOJ) with ongoing litigation activities and to work on actions that resulted from court decisions in all R8 states except South Dakota. We have received 5-Year Regional Haze Progress Report SIPs from all R8 states except Wyoming and Montana that require our action.

NAAQS Designations: We provide technical and policy support to Region 8 states/tribes during the development of their recommended NAAQS designations submittals. We conduct our own technical analysis of state/tribal designation recommendations, and provide to OAQPS and OGC for the national proposed and final designations. We have the 2015 ozone NAAQS designations that must be final by October 1, 2017 and the third round of SO<sub>2</sub> designations must be final by December 31, 2017.

Climate Change: We provide outreach on the Clean Power Plan to various stakeholders including states, tribes, electric power utilities, environmental groups, and others.

Air Monitoring: Changes to state air monitoring networks must meet 40 CFR Part 58 requirements and receive EPA approval (Air Program Manager). The Air Program's air monitoring staff perform Technical Systems Audits (TSAs) of state and tribal air monitoring programs and often identify lapses in CFR or guidance

compliance that result in invalidation of already collected data and mandatory changes in state and tribal operated hardware and programs. Beginning October 1, 2016, Region 8 will be the air monitoring Sub-Lead Region for FY2017-2018, working with OAQPS and NACAA on air monitoring policy, budget and regulatory initiatives and as liaison between Regional monitoring programs and Headquarters.

Exceptional Events: Air Program staff work on exceptional event claims by states and tribes that can result in exclusion of NAAQS exceedance data from NAAQS compliance calculations, upon RA signature (a signature delegation package from the RA to the OPRA ARA is in concurrence). In FY2016, we concurred on 20 exceptional event packages for high winds in Colorado. We also continue to work with the states to prioritize EE packages that have regulatory significance (e.g., events that impact NAAQS design values or approval of maintenance plans). This resulted in 45 packages being moved into a lower priority status and allowed for both Region 8 and our states to focus efforts on the packages that have the biggest regulatory impacts. States would prefer that we act on all of their packages but most of them are agreeable to this prioritization approach. However, Wyoming has raised formal objections (letter from Nancy Vehr to Air Program Director) about this process. We continue to work with Wyoming to find ways to meet their needs. We anticipate that the forthcoming revisions to the Exceptional Events Rule will address several issues with the current rule and improve our ability to work with states on exceptional event packages.

Air Modeling: The Air Program has two air quality modelers who perform a wide variety of technical work. Much of their work supports the development of EIS's, SIPs, FIPs and regional haze plans. The modelers are also active participants and leaders of national modeling workgroups that work to set policy and guidance for state and federal air quality managers. In particular, Gail Tonnesen is considered a national expert in atmospheric chemistry and leads many efforts related to winter ozone, regional haze, background ozone, international transport and other air quality issues that are unique to the intermountain west.

Lead Region: Region 8 is the current Lead Region for OAR for fiscal year 2015-2016. Regions 8's responsibilities include coordination and implementation of activities related to interaction of EPA's ten regional offices with OAR and other relevant HQ offices (e.g., OCFO, ORD, etc.) on budget, planning, programmatic, policy, guidance, science, and legal issues. This includes activities in the following OAR offices – OAR Front Office including Communications, OPMO, OAPPS; OAP; OTAQ; ORIA; and OAQPS. Region 8 relies on and support the extensive system of subleads that has been established for specific programs issues within the air program. The OAR Lead Region also acts as the liaison between the regions and ORD for OAR-related activities and helps identify OAR-related regional research needs and works to get them incorporated into ORD's research agenda.

## 30/60/90 DAYS

30 Days

- Air Program Immediate Office and staff PARS agreements in place.

# Ex. 5 - Deliberative Process

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60 Days

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90 Days +

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## PARTNERSHIPS AND ENVIRONMENTAL STEWARDSHIP PROGRAM OVERVIEW

The Partnerships and Environmental Stewardship Program (PES) consists of two units and an immediate office. The immediate office is responsible for managing the PPA's with the state environmental agencies and the annual state director's meeting. The Lead, Pesticides and Children's Health Unit: 1) manages the lead STAG and EPM funds for the program and enforcement and conducts outreach and compliance assistance on the lead-based paint and lead RRP program; 2) manages the pesticides STAG and EPA funds and PPG's with the state agricultural agencies; one extension office, and the circuit rider tribes and conducts outreach and compliance assistance on pesticides; 3) leads the regional children's health program and manages Children's Health EPM funding which strives to incorporate children's health considerations into EPA decision making. The Environmental Stewardship Unit is responsible for managing three competitive pollution prevention grant programs and pollution prevention STAG and EPM; conducting outreach on pollution prevention, TRI, WaterSense; ENERGY STAR; indoor air (and managing indoor air and radon funding); sustainable materials management (food recovery challenge) and EPM funding; and working on sustainable communities and promise zones. Sustainability and federal green challenge are currently on hold due to resource constraints. We are currently working on filling tribal pesticide project officer position (external); TRI/Children's Healthy School's coordinator position (internal) and ENERGY STAR coordinator position (internal). We rely heavily on SEEs in our FTE-limited programs.

## WHAT WORK GETS US NOTICED

PES works closely with OCPI to plan events focused on external stakeholders. We also work with ECEJ to implement initiatives related to our programs. Last year, we were responsible for planning many weeks of action as well as other external events for the RA and the EPA Administrator. We are considered a leader in our work on: 1) pesticides pollinator issues; 2) pesticides school integrated pest management; 3) safer choice products campaign; and 4) sustainable food management.

## 30/60/90 DAYS

### 30 days (October)

- October 10, 2016 – Rosebud Local Foods Local Places Workshop. Although we do not believe this item will be elevated to RA/ARA level, the work is reported to the White House and therefore we included it as informational.
- October 14, 2016 -- Feeding the 5000 Event (food recovery challenge)
- October 18-19, 2016 – Pesticides Manager's meeting
- Outreach on worker protection standard (new rule effective Jan 2017)
- September 7, 2016 – Pine Ridge Promise Zone Project Meeting. Informational only - Promise Zone work is reported to the White House and therefore we wanted you to know it had recently taken place.
- September 26, 2016 – Turtle Mountain Promise Zone Kick-off Meeting.
- Vision for ENERGY STAR; TRI; CH Schools; and tribal pesticides program for FY17 and beyond; training plans for new employees
- Regional Awards board convenes on national awards (Wood is chair)

### 60 days (November)

- Nothing at this time

### 90 days (December)



- Nothing at this time

## RESOURCE CONSERVATION RECOVERY PROGRAM OVERVIEW

The Resource Conservation and Recovery Program (RCRP) consists of two units and an immediate office. The immediate office staff are responsible for overall budget management, implementation of the Coal Combustion Residuals Final Rule, risk assessment support for the entire program and Tribal Solid Waste Sub-Lead Region activities. The **Hazardous Waste Unit** is responsible for 1) Direct implementation of Corrective Action in Montana and Colorado, 2) Oversight of the state Subtitle C Hazardous Waste Programs, 3) State authorization, and 4) Evaluating the RCRA implications of a variety of unconventional energy development projects in Indian Country. The **UST, Solid Waste and PCB Unit** is responsible for: 1) Direct implementation of Underground Storage Tank (UST) compliance and cleanup activities in Indian Country, 2) funding, technical assistance & oversight of state UST compliance and cleanup activities, 3) Review and approval of state petroleum funds as a Financial Responsibility and State Program Approvals, 4) Technical assistance to Tribes on solid waste issues and coordination with ECEJ on imminent and substantial endangerment actions, 5) Direct implementation of the PCB corrective action and permitting program.

RCRP is currently working to fill two positions in the Program: an external recruitment for a Tribal Solid Waste Coordinator and an internal reassignment opportunity for a RCRA Engineer/Scientist. We are also in the process of bringing a new SEE on board to assist with Tribal Solid Waste and other program areas.

RCRP Budget Overview:

# Ex. 5 - Deliberative Process

## WHAT WORK GETS US NOTICED

*PCB building materials* - There have been several inquiries on PCBs in building materials, primarily as it relates to schools. This is a national issue. There are no requirements to test for PCBs in building materials. No R8 schools have reported unaddressed exceedances. We are currently working with Boulder Valley School District on historical PCBs in building materials after press inquiries from the Boulder Weekly.

*Tribal Capacity Building* – We continue to work with the R8 Tribes on UST, LUST and Solid Waste issues. We currently have a Tribal UST credentialed inspector, Tom McClure on the CSKT Reservation and an IHS Inspector. We have two IAGs with IHS Aberdeen who provide technical assistance to the tribes on solid waste management issues. We also work closely with the Tribes on approximately 55 LUST sites, over 10 which are federal lead.

30/60/90 DAYS

30 days (October)

- October 5 & 6: Annual R8/State Hazardous Waste Directors' meeting in Salt Lake City, Utah

## **Ex. 5 - Deliberative Process**

60 days (November)

- November 2 & 3: RCRA DD Meeting in Washington, D.C.

## **Ex. 5 - Deliberative Process**

90 days (December)

## **Ex. 5 - Deliberative Process**

identified in April 2016 internal review.

### FY16 RCRP GPRA / ACS Goals

Measure	Description	R8 Commitment
HWO	New or updated controls (e.g. permits)	Ex. 5 - Deliberative Process
CA1	Human Health Environmental Indicator	
CA2	Groundwater Environmental Indicator	
CA5	Remedy Construction Complete (may not meet commitment)	
CA6	Performance Standards Attained (may not meet commitment)	
112	Number of LUST cleanups completed that meet risk-based standards for human exposure and groundwater migration.	
113	Number of LUST cleanups completed that meet risk-based standards for human exposure and groundwater migration in Indian country.	
PC1	Number of sites receiving 40 CFR 761.61(a) or (c) approvals.	
PC3	Number of PCB approvals issued under authorities other than 40 CFR 761.61(a) or (c).	
TR1	Number of tribes covered by an integrated waste management plan.	
TR3	Number of Tribes where waste management program capacity has been improved through technical assistance provided by the EPA.	

### TRIBAL ASSISTANCE PROGRAM OVERVIEW

The Tribal Assistance Program (TAP) is the primary liaison between the many EPA offices and the 27 tribes within the Region. TAP manages the General Assistance Program (GAP), Clean Water Act (CWA), Clean Air Act (CAA), Hazardous Waste and Pesticide grants awarded to Tribes within Region 8.

The Tribal Assistance Program was created in 1995 and consists of 8 Tribal Program Managers (six in Denver and two in Montana). The TPM serves as both a liaison and a grants Project Officer. Key TAP functions include: building relationships and partnerships with tribes, promoting the building of tribal capacity in Indian Country, serving as program leads to specific media areas (e.g. Water, Air, Enforcement, Solid Waste), overseeing the management of projects and special initiatives, ensuring financial responsibility for tribal environmental programs, coordinating the RTOC, tracking and updating the tribal contact list, and assisting with consultation when appropriate. TAP also works to ensure the Region adheres to tribal policies and that it acts in a government-to-government manner. In general, TAP has a dual role of serving tribes in R8 and assisting offices within the Region to provide services to tribes.

Denver staff: Greg Phillips, Sam Vance, Dale Roy, Randy Brown, Natasha Davis, Blake Huff

Montana staff: Jennifer Wintersteen, Diana Hammer

### WHAT WORK GETS US NOTICED

Examples include:

1. Coordinate and communicate with tribes and within the Agency.
2. Manage and oversee \$13.1 million to R8 tribes in numerous media (this is very different than how we fund states).
3. Coordinating ETEPs
4. Organize and coordinate the RTOC
5. Build tribal relationships with environmental staff, management and leadership (e.g. Gold King Mine release)
6. Coordinate and facilitate training (CWA 106, AWQMS, QA/QC, Air Quality, Emergency Response, Working Effectively with Tribal Governments)

## 30/60/90 DAYS

### 30 Days

- The Fall RTOC will be in Havre, Montana, October 11-13. Over half of TAP will be in attendance.
- Working Effectively with Tribal Governments (hosted by TAP) will take place October 18, 2016.

### 60 Days

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# Ex. 5 - Deliberative Process

### 90 Days

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## OPRA BUDGET OVERVIEW

See attached.

## ACS/RAC COMMITMENTS

See attached.

## OPRA'S QUARTERLY HIRING PROCESS

# Ex. 5 - Deliberative Process